

## CIVIL COVER SHEET

JS 44 (Rev. 04/21)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

## I. (a) PLAINTIFFS

Cancinooduaro, Luis, C

(b) County of Residence of First Listed Plaintiff Cumberland County NJ  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James A. Wells, Esquire, Gay Chacker & Ginsburg, P.C.  
1731 Spring Garden Street, Philadelphia, PA 19130  
(215) 567-7955

## DEFENDANTS

State of New Jersey Department of Corrections, et al  
(See Attached List) Mercer County NJ

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability				<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice				<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise					<input type="checkbox"/> 850 Securities/Commodities/Exchange	
					<input type="checkbox"/> 890 Other Statutory Actions	
					<input type="checkbox"/> 891 Agricultural Acts	
					<input type="checkbox"/> 893 Environmental Matters	
					<input type="checkbox"/> 895 Freedom of Information Act	
					<input type="checkbox"/> 896 Arbitration	
					<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	
					<input type="checkbox"/> 950 Constitutionality of State Statutes	

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. 1983

Brief description of cause:  
Civil Rights Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
2,000,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE  
07/01/25

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LUIS C. CANCINOODUARO,

Plaintiff,

v.

NO. \_\_\_\_\_

STATE OF NEW JERSEY, DEPARTMENT  
OF CORRECTIONS

and

VICTORIA KUHN

And

RUTGERS, THE STATE UNIVERSITY  
OF NEW JERSEY d/b/a UNIVERSITY  
CORRECTIONAL HEALTH CARE

and

ARTHUR BREWER

and

SOUTH WOODS STATE PRISON  
MEDICAL DIRECTOR

and

JOHN DOE SOUTH WOODS STATE  
PRISON MEDICAL PROFESSIONALS  
#1-10

and

ABC COMPANIES #1-10

Defendants.

**COMPLAINT**

Plaintiff, Luis C. Cancinooduardo (“Mr. Cancinooduardo”) by and through his attorneys, Gay, Chacker & Ginsburg, P.C., hereby asserts the following Complaint against defendants, State of New Jersey, Department of Corrections (“defendant NJDOC”), Victoria Kuhn (“defendant Kuhn”), Rutgers, The State University of New Jersey d/b/a University Correctional Health Care (“defendant UCHC”), Arthur Brewer (“defendant Brewer”), South Woods State Prison Medical Director (“defendant Medical Director”), John Doe South Woods State Prison

Medical Professionals #1-10 (“Doe Medical Professionals”), and ABC Companies #1-10 (“ABC Companies”)(all defendants collectively “defendants”) as follows:

**Parties**

1. Mr. Cancinooduaro is an adult individual residing at South Woods State Prison, 215 South Burlington Road, Bridgeton, NJ 08302.
2. Defendant NJDOC is the State of New Jersey, acting through the State of New Jersey Department of Corrections with a principal office at 20 West State Street, 6<sup>th</sup> Floor, Trenton, New Jersey 08625 and operating the South Woods State Prison located at 215 S. Burlington Road, Bridgeton, NJ 08302.
3. Defendant Kuhn is the Commissioner of the State of New Jersey Department of Corrections who at all relevant times was responsible for the establishment and implementation of policies and procedures for the operation and oversight of the New Jersey state prison system, including the South Woods State Prison with a principal office at 1300 Stuyvesant Avenue, Trenton, NJ 08618.
4. Defendant UCHC is an educational institution under contract with the State of New Jersey and/or the State of New Jersey Department of Corrections to provide all health services to inmates in the New Jersey prison system, including inmates at South Woods State Prison, and who was at all relevant times responsible for the establishment and implementation of policies and procedures regarding inmate medical care with a principal office at 57 US Highway 1, New Brunswick, NJ 08901-8554.
5. Defendant Brewer was at all relevant times the statewide medical director of defendant UCHC and was responsible for oversight of the state correctional health medical system and the establishment and implementation of policies and procedures regarding statewide

inmate medical care, including at South Woods State Prison.

6. Defendant Medical Director was at all relevant times the medical director at South Woods State Prison and was responsible for oversight of medical services at South Woods State Prison and for establishment and implementation of policies and procedures regarding inmate medical care at South Woods State Prison.

7. Defendants Doe Medical Professionals were at all relevant times treating medical providers of Mr. Cancinoouaro at South Woods State Prison.

8. Defendants ABC Companies are corporations or other business entities engaged in the business of providing medical services at jails and/or prisons and at all relevant times hereto were responsible for providing medical services at South Woods State Prison, for providing staff and overseeing medical treatment to inmates at South Woods State Prison, and for establishment and implementation of policies and procedures regarding inmate medical care at South Woods State Prison.

9. The individual defendants, including defendant Kuhn, defendant Brewer, defendant Medical Director, and the Doe Medical Professionals were at all relevant times acting as an agent, ostensible agent, servant, and/or employee of defendant NJDOC, defendant UCHC, and/or the ABC Companies and were acting within the course and scope of their agency or employment.

10. Defendant NJDOC, defendant UCHC and the ABC Companies at all relevant times acted or failed to act by and through their duly authorized agents, ostensible agents, servants and employees, including, but not limited to defendants Kuhn, Brewer, Medical Director and the Doe Medical Professionals.

11. Defendants NJDOC, UCHC, Doe Medical Professionals, and ABC Companies

shall be referred to herein as the “medical defendants”.

### **Jurisdiction**

12. This action is brought pursuant to 42 United States Code Section 1983. Jurisdiction is based upon 28 United States Code 1331, 1341 (1), (3) and (4), and 1343(a)(3), and 1343(a)(4). Plaintiffs further invoke the supplemental jurisdiction under 28 United States Code Section 1376(a) to hear and decide claims under state law.

### **Facts**

13. At all relevant times, Mr. Cancinooduaro was incarcerated at South Woods Prison.

14. Beginning in May and June of 2023, Mr. Cancinooduaro began to experience worsening symptoms, including but not limited to twitching in his left eye and numbness in his left arm.

15. After informing the medical defendants of his symptoms for approximately two weeks, Mr. Cancinooduaro was finally evaluated and was sent to an outside medical facility for x-ray studies that were purportedly normal.

16. During his incarceration at South Woods State Prison, Mr. Cancinooduaro was prescribed Warfarin which the medical defendants knew had to administered on a regular basis.

17. The medical defendants further knew that if Mr. Cancinooduaro did not receive Warfarin regularly in order to maintain adequate therapeutic levels, Mr. Cancinooduaro was at extreme risk for severe medical complications including but not limited to stroke.

18. Despite knowing the danger to Mr. Cancinooduaro if his Warfarin was not regularly administered and his INR levels were not adequately monitored, the medical

defendants deliberately and intentionally withheld Warfarin from Mr. Cancinoouaro and failed and refused to monitor his INR levels.

19. On or about July 9, 2023, Mr. Cancinoouaro suffered a massive stroke and was taken to an outside medical hospital for emergency medical treatment.

20. At the hospital, Mr. Cancinoouaro presented with complaints of left sided weakness and was diagnosed with a stroke.

21. The hospital medical providers noted that Mr. Cancinoouaro's subtherapeutic 1.4 INR level was the likely cause of the stroke.

22. Despite knowing that Mr. Cancinoouaro would suffer serious medical complications, including but not limited to stroke, if he did not receive adequate Warfarin, the medical defendants failed and/or refused to provide him with adequate and proper dosage of Warfarin and/or to monitor his INR levels to ensure he was receiving adequate dosage of Warfarin.

23. Despite knowing that early symptoms of stroke require prompt medical treatment to prevent the onset of stroke, the medical defendants failed and/or refused to promptly evaluate Mr. Cancinoouaro's stroke symptoms and/or to timely refer him for emergency medical treatment or evaluation by an appropriate medical specialist.

24. The failure of the medical defendants to provide appropriate medical care and attention resulted in severe injury and harm to Mr. Cancinoouaro.

25. The failure of the medical defendants to ensure that proper medical treatment and attention was provided to Mr. Cancinoouaro and that he was properly monitored resulted in severe injury and harm to Mr. Cancinoouaro.

26. At no time did the medical defendants take steps to ensure that Mr.

Cancinooduaro received necessary medical care and attention related to administration of Warfarin, monitoring of his INR levels and/or stroke symptoms.

27. The medical defendants were on notice of Mr. Cancinooduaro's need for adequate and proper Warfarin administration, INR monitoring, and/or evaluation for stroke symptoms and, with deliberate indifference, failed to take steps to ensure that he received the necessary care and treatment.

28. At all times relevant to this Complaint, defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies, with deliberate indifference, failed to develop and implement policies, practices, and procedures to ensure that detainees and/or inmates, including Mr. Cancinooduaro, would receive adequate and proper dosage of Warfarin and timely treatment for stroke symptoms.

29. The harms suffered by Mr. Cancinooduaro are the direct and proximate result of the policy, practice, and custom of defendants NJDOC, Kuhn, UCHC, Brewer, and the ABC Companies to prevent inmates, including Mr. Cancinooduaro, from receiving adequate and proper dosage of Warfarin, adequate and proper monitoring, and timely treatment for stroke symptoms.

30. At all times relevant to this Complaint, all defendants were deliberately indifferent to the serious medical needs of Mr. Cancinooduaro.

31. At all times relevant to this Complaint, the conduct of all defendants, their agents, servants and/or employees, was intentional, willful, reckless, and grossly negligent with respect to Mr. Cancinooduaro's rights under federal and state law.

32. As a direct and proximate result of defendants' conduct, Mr. Cancinooduaro suffered injuries that include stroke, severe disabilities, and various other ills and injuries.

33. The actions and inactions of defendants increased the risk of harm and caused harm to Mr. Cancinooduardo.

34. As a direct and proximate result of defendants' conduct, Mr. Cancinooduardo has suffered and will continue to suffer in the future great pain and suffering, embarrassment, humiliation, emotional distress, disfigurement, and loss of the enjoyment of life.

35. As a direct and proximate result of defendants' conduct, Mr. Cancinooduardo has and will in the future continue to spend large sums of money for medicine and medical care in and about an effort to affect a cure for the aforesaid injuries.

36. As a direct and proximate result of defendants' conduct, Mr. Cancinooduardo has and will in the future be unable to attend or perform his usual daily duties and occupations, all to his great detriment and loss.

37. As a direct and proximate result of defendants' conduct, Mr. Cancinooduardo has and will be deprived in the future of earnings and earning capacity all to his great detriment and loss.

38. Without any regard for Mr. Cancinooduardo's safety, the medical defendants ignored Mr. Cancinooduardo's medical condition and denied him medical treatment that he desperately needed.

39. As a direct and proximate result of the defendants' actions, Mr. Cancinooduardo was deprived of rights, privileges and immunities under the Eight and/or Fourteenth Amendments to the United States Constitution and in particular the right to be free from cruel and unusual punishment and the right to be provided proper and adequate medical treatment.

**COUNT ONE**  
**Plaintiff v. Medical Defendants**  
**Federal Constitutional Claims**

40. Plaintiff hereby incorporates the allegations contained in the preceding paragraphs, inclusive, of his Complaint as if the same were set forth at length herein.

41. The medical defendants were deliberately indifferent to Mr. Cancinooduardo's serious medical needs and thereby violated Mr. Cancinooduardo's right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution and/or Mr. Cancinooduardo's right to due process of law under the Fourteenth Amendment to the United States Constitution.

42. As a direct result of the actions and inactions of the medical defendants and correctional officer defendants, Mr. Cancinooduardo suffered the harm and damages set forth above.

**COUNT TWO**  
**Plaintiff v. Defendants NJDOC, Kuhn, UCHC,**  
**Brewer, Medical Director and the ABC Companies**  
**Federal Constitutional Claims**

43. Plaintiff hereby incorporates the allegations contained in the preceding paragraphs, inclusive, of his Complaint as if the same were set forth at length herein.

44. As a direct and proximate result of all defendants' conduct, committed under color of state law, and the deliberate indifference of the defendants to Mr. Cancinooduardo's serious medical needs, Mr. Cancinooduardo was denied the right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution and/or the Fourteenth Amendment to the United States Constitution. As a result, Mr. Cancinooduardo suffered harm in violation of his rights under the laws and Constitution of the United States and 42 U.S.C. §1983.

45. The violations of Mr. Cancinoouardo's constitutional rights, Mr. Cancinoouardo's damages, and the conduct of the medical defendants were directly and proximately caused by the deliberate indifference of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies County defendants to the need for training, supervision, investigation, monitoring, or discipline with respect to the provision of medical care to inmates.

46. The violations of Mr. Cancinoouardo's constitutional rights, Mr. Cancinoouardo's damages, and the conduct of the medical defendants were directly and proximately caused by the encouragement, tolerance, ratification of, and/or deliberate indifference of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies to policies, practices, and/or customs of refusing, delaying, failing to coordinate, or otherwise interfering with inmates' necessary treatment for serious medical needs.

47. The violations of Mr. Cancinoouardo's constitutional rights, Mr. Cancinoouardo's damages, and the conduct of the medical defendants were directly and proximately caused by the failure of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies, with deliberate indifference, to develop and implement policies, practices, and procedures to ensure that inmates receive adequate and proper administration of medication, including Warfarin, and adequate and proper monitoring of medication blood levels to ensure therapeutic dosage, including adequate and proper INR monitoring of inmates prescribed Warfarin.

48. As a direct result of the actions and inactions of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies, Mr. Cancinoouardo suffered the harm and damages set forth above.

**COUNT THREE**  
**Plaintiff v. All Defendants**  
**Supplemental State Law Claims for Negligence and Violation of The New Jersey Civil Rights Act, N.J.S.A. § 10-6-1, 2.**

49. Plaintiff hereby incorporates the allegations contained in the preceding paragraphs, inclusive, of his Complaint as if the same were set forth at length herein.

50. The medical defendants had a duty to comply with generally accepted medical standards of care in their treatment of Mr. Cancinooduardo.

51. The medical defendants violated their duty of care to Mr. Cancinooduardo.

52. The medical defendants' violations of their duty of care to plaintiff was a direct and proximate cause and a substantial factor in bringing about Mr. Cancinooduardo's damages outlined above, and, as a result, the medical defendants are liable to plaintiff.

53. The medical defendants were deliberately indifferent to Mr. Cancinooduardo's serious medical needs and thereby violated Mr. Cancinooduardo's right to be free from cruel and unusual punishment under Article I Paragraph XII of the New Jersey State Constitution.

54. The violations of Mr. Cancinooduardo's constitutional rights, Mr. Cancinooduardo's damages, and the conduct of the medical defendants were directly and proximately caused by the deliberate indifference of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies to the need for training, supervision, investigation, monitoring, or discipline with respect to the provision of medical care to inmates.

55. The violations of Mr. Cancinooduardo's constitutional rights, Mr. Cancinooduardo's damages, and the conduct of the medical defendants were directly and proximately caused by the encouragement, tolerance, ratification of, and/or deliberate indifference of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies to policies, practices, and/or customs of refusing, delaying, failing to coordinate, or

otherwise interfering with inmates' necessary treatment for serious medical needs.

56. The violations of Mr. Cancinoouardo's constitutional rights, Mr. Cancinoouardo's damages, and the conduct of the medical defendants were directly and proximately caused by the failure of defendants NJDOC, Kuhn, UCHC, Brewer, Medical Director, and the ABC Companies, with deliberate indifference, to develop and implement policies, practices, and procedures to ensure that inmates receive adequate and proper administration of medication, including Warfarin, and adequate and proper monitoring of medication blood levels to ensure therapeutic dosage, including adequate and proper INR monitoring of inmates prescribed Warfarin.

57. As the medical defendants were acting as agents, servants, and/or employees of defendants NJDOC, UCHC, and the ABC Companies, and were acting within the scope and course of their employment, and under the direct control and supervision of defendants NJDOC, UCHC, and the ABC Companies, said defendants are liable to plaintiff on the basis of *respondeat superior* liability.

58. As a direct result of the actions and inactions of the defendants, Mr. Cancinoouardo suffered the harm and damages set forth above.

#### **REQUESTED RELIEF**

Wherefore, Plaintiff respectfully requests:

1. Compensatory damages;
2. Punitive damages;
3. Reasonable attorneys' fees and costs;
4. Such other and further relief as may appear just and appropriate.

5. Plaintiff hereby demands a jury trial as to each count and each defendant.

A handwritten signature in black ink, appearing to read 'J. Wells', is written over a horizontal line.

JAMES A. WELLS, ESQUIRE  
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**Attorneys for Plaintiff**  
**Luis F. Cancinooduardo**

Date: July 1, 2025